

50th Edition October 2022

LLAS & ATLAS PRS Conference & Training Day
Bringing you up to date with PRS Legislation
Thursday 23rd March 2023
From: 10am to 2pm
VIRTUAL -ONLINE

Book at www.londonlandlords.org.uk

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Welcome to the latest edition of the PReSs

In my foreword last June, I mentioned that Boris Johnson had just narrowly survived a vote of no-confidence. As Harold Wilson said in the 60's, '*A week is a long time in politics*' this of course means that a quarter of a year since the last edition of this newsletter is a very long time.

In that time, we had a new Prime Minister; new Chancellor; new Home Secretary and a Housing Minister, all of whom have now resigned.

We now know the new Prime Minister is Rishi Sunak, but we don't know the policy on housing. However, as Michael Gove has been re-instated as the Levelling-Up minister, and therefore also responsible for housing, it must now be taken as read that the White Paper on the PRS '***A Fairer Private Rented Sector***' will now become a Bill in the not-too-distant future.

We will discuss this, and the ramifications at our **Virtual Conference & Training Day on Thursday 23rd March 2023**, I urge you to book your place to see how you will be affected.

Moving on to matters we do know about.

Hopefully you are all aware of the two changes that came about from October 1st this year.

1. you now must fit a working Carbon Monoxide (CO) detector in any room having a fixed combustion appliance. Gas cookers are exempt - no, I don't understand why either!
This is an addition to the requirement for a working CO detector in a room having solid fuel heating, which has been in place since 2015.
Additionally, any smoke or CO detector reported as faulty must be replaced.
See more details [here](#).
2. The temporary Covid exemption on checking required documents face-to-face for the right to rent checks also finished on October 1st.
During Covid you were able to ask prospective tenants to send you a copy of their appropriate document, and then you could interview them virtually (WhatsApp/Zoom, etc) where they would hold up said documents.
These must be face-to-face again, unless the tenant has a biometric residence card or permit, in which case the Government service must be used. See more details [here](#).

If your property is subject to Licensing, do ensure you get a licence. We are aware of a body that is encouraging students to check if their property requires a licence, and whether it has one. As the tenants might be able to get all their rent back (via a Rent Repayment Order). Don't delay, ensure you have at least made an application.

Finally, make sure you keep up to date with legislation. LLAS/ATLAS offer a comprehensive range of CPD courses which can be seen [here](#). If you want something you can't immediately see, email us at llas@camden.gov.uk and we can advise. If there's enough demand, we can even write a new CPD course. So, get signed up, the landlord is **always ultimately responsible**, even if using an agent.

Hope you enjoy this edition.

Peter Littlewood (LLAS & ATLAS Chair)



Peter Littlewood, iHowz Director
For more info on iHowz Landlord Association, visit <http://ihowz.co.uk/>



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Investor in People



Property Pontoon – Do you Stick or Twist?

By far my favorite card game growing up was Pontoon. On every hand there would come a point where you needed to stick or twist. And right now, I think many landlords are looking at their hand and asking themselves the simple question – do I want to be a landlord?

More and more, we're seeing the answer to that is no. The landlord sector has dropped from 2.88 million landlords in 2017 to 2.66 million in 2019 and it seems likely that trend is continuing. And yet, rapid rental growth will see Great Britain's tenants pay £63bn in rent this year according to Letting agency Hamptons. This represents a huge record high being "driven by a lack of homes on the market alongside investors passing on higher running costs to tenants."¹

So, on the face of it, the predictions of major market upheaval following the great finance tax-relief axe (Section 24), do seem to be coming true, particularly in the capital where the average monthly rent in London has risen above £2,000 for the first time.

This is simply a result of our old friends supply and demand, with less than half of sold buy-to-let properties returning to the PRS according to a recent Propertymark report.¹ On the face of it, the many predictions of major market upheaval and increased tenant costs in the wake of the great finance tax-relief axe do seem to be coming true. However, it is too early, and far too complex to pinpoint the market changes on one factor alone.

Here then are just a few of the areas likely to be weighing on the astute Landlord's mind:

- **Fear of property bubble**
- **Taxation**
- **Abolishment of Section 21**
- **Rising Interest Rates**
- **EPC Policy**
- **The rise of Build to Rent**

That last point deserves a quick mention, as I fear it could be the stealth factor that landlords don't consider until too late.

Whilst still a tiny percentage of the PRS, a record £1.6bn was invested into UK Build to Rent in Q1 2022.¹ And contrary to where you might traditionally relate the BTR sector in recent years, family homes have become a key driver of growth in the sector. The proportion of people aged 35 to 44 choosing to live in BTR developments has also increased significantly, up to about 25 percent.¹

With so much to stay on top of, how will the average portfolio landlord manage and compete moving forward? Certainly, Landlords with smaller portfolios may find it hard to absorb the bureaucracy and concentration risk of this changing market. In comparison, a larger portfolio brings with it the advantage of the laws of probability, and an ability to absorb shock more readily across the entire business.

Just as Government are seeing the opportunity to professionalize and regulate the industry through greater transparency and tighter regulation, corporations and portfolio landlords are looking to fill the void they know is and will be left by accidental landlords leaving the market. You may not have the same economy of scale as British Land or Grainger PLC, but that doesn't mean you cannot enjoy the commercial benefits of building, running, and growing a professional property business.

We set up Less Tax 4 Landlords and the One Consultancy Group to help landlords do just that, supporting your business model with a business structure and services that can help magnify your success. After all, if you're going to 'stick', you want the odds in your favour. Far too many private landlords are paying an effective rate of 50% tax or higher on their 'real' profits. As interest rates rise, those profits are decreasing but the tax is not. At some point, taxation will quite literally make a profitable business, un-profitable. Talk about having the deck stacked against you!

Don't let this happen to you. If you're paying much more than **20% tax** on your Property Profits, then you are almost certainly paying more tax than necessary. The question then just becomes whether a business restructure makes commercial sense for you. Now if pontoon was my favorite childhood card game, it was poker that got me through university – and in the end I think the best card game of all time is a more fitting analogy here.

The government have raised BIG, and round the table we go, fold, fold, fold... and now the actions on you – you're not sure what to do, but you can sense British Land behind you, and they're ready to go all in. You are sitting there with the faintest bead of sweat upon your brow, knowing there are plenty of good reasons to fold. And seeing how many before you have done just that, it is tempting...

But so is that pile of chips on the table.

The clock is running down, soon you have to decide.

Do you want to be a landlord?

...

Well?

If you do, don't let tax be your undoing.

Take our free initial assessment at

[it4l.co.uk/stick](https://www.it4l.co.uk/stick)

Ben Rose – Head of Group Business Development at Less Tax 4 Landlords

¹ <https://www.hamptons.co.uk/research/articles/annual-rent-bill-projected-to-hit-pounds63bn#/>

¹ <https://www.propertymark.co.uk/resource/a-shrinking-private-renter-sector.html>

¹ <https://www.telegraph.co.uk/property/buy-to-let/new-threat-landlords-profits/>



www.oxford.gov.uk



All private rented homes in Oxford now need a license

The Council's selective licensing scheme started on 01 September 2022, and we are offering an **early bird fee of £400** for applications submitted by 30 November 2022. **Accredited landlords benefit from a discounted rate of £280.** Early Bird & Accreditation discount is dependent on all documentation being submitted and satisfactory. The standard fee is £480. Apply via

www.oxford.gov.uk/selectivelicensing

All HMOs in Oxford have required a license since 2012. Apply via www.oxford.gov.uk/hmo

There is a **landlord forum on 10 November 2022**, *with a morning in person session and an afternoon zoom session*. You must book tickets via Eventbrite to attend.

The session will cover:

- HMO & Selective Licensing,
- The private rented sector tenancy sustainment team early intervention landlord advice and mediation service aimed to prevent homelessness in the Private Rented Sector,
- Other ways the council supports those struggling with the cost of living and
- From Oxfordshire Fire and Rescue on fire safety.

[Book tickets for the morning in person session](#)

[Book tickets for the afternoon online session](#)

OXFORD NEEDS DECENT HOMES

All private rented homes in Oxford now need a licence.

Landlords can apply at: [oxford.gov.uk/selectivelicensing](https://www.oxford.gov.uk/selectivelicensing)

Early bird discount for landlords who apply in full by 30 November.

TWO WAYS TO SAVE TAX

1 Run a Highly Tax Efficient Professional Property Business

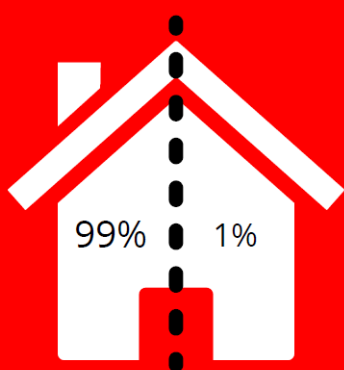
If it's right for you, then by taking professional advice to restructure your property business, you could enjoy:

- Full relief for finance & mortgage costs (Section 24)
- Reduced Capital Gains Tax (CGT) on Portfolio Reinvestment
- Inheritance Tax potentially mitigated within two years of trading
- Maximum Tax Rate of 20% payable on your property income until April 2023
- Maximum Tax Rate of 25% (Corporation Tax Rate) payable from April 2023

And that's with no requirements to remortgage or change legal title, and no SDLT or CGT to pay on your business restructure.

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2 Change the Recipient of Income from Rental Property

You should consider this option if you:

- Are looking to change the recipient of income from your rental properties for tax purposes.
- Want to make changes to the default 50/50 split for property owned jointly with your spouse.

Our conveyancing practice can provide a complete Form 17 service. Charges as low as £300 per property including preparing the legal documentation and creating a deed of trust, plus filing the Form 17 paperwork.

Smoke and Carbon Monoxide Alarm Regulations

A reminder that changes to the **Smoke and Carbon Monoxide Alarm Regulations** came into force on 1 October 2022

On 1 October 2015, new regulations came into force in England regarding the fitting of smoke and carbon monoxide alarms. On 1 October 2022, the regulations are being updated.

Most people will be familiar with the government's [Fire Kills campaign](#) and the importance of having a working smoke alarm in every home. Statistics show you are at least four times more likely to die in a fire in the home if there is no working smoke alarm.

Carbon monoxide (CO) is a colourless, odourless, and tasteless gas, produced when fuel burns without enough air, and exposure to high levels of CO can be fatal. More information can be found on the [HSE website](#).

Get things wrong and the landlord could face a financial penalty, as well as endangering their tenants' safety. To help you understand the rules, we have published this free guide.

1. What alarms do landlords need to install?

Every private rented property needs to be fitted with smoke alarms and carbon monoxide alarms (if applicable). On 1 October 2022, the regulations are being extended to cover social housing.

Smoke Alarms

The requirement is to install at least one smoke alarm on every storey of the rental property on which there is a room used wholly or partly as living accommodation. The definition of room includes a bathroom or toilet.

The regulations do not say whether smoke alarms must be hard wired, or battery powered, although hard wired with battery back-up is best practice and should be considered when a property is rewired.

Smoke alarms should normally be fitted to the ceiling in the entrance hallway and on any landing. Fitting smoke alarms in the central circulation area helps to ensure they activate quickly if a fire starts in any of the adjoining rooms.

Never install smoke alarms in a kitchen as it will lead to frequent false alarms when cooking. The only type of alarm that should be installed in a kitchen is a heat alarm. Heat alarms are not covered by these regulations but may be required in multi-occupied properties under other legislation.

Carbon Monoxide Alarms

Since 2015, it has been a requirement to install a CO alarm in any room containing a solid fuel burning combustion appliance such as a coal fire or wood burning stove.

On 1 October 2022, the requirement for CO alarms is being extended to all rooms containing a fixed combustion appliance of any fuel type. This will include all gas appliances except for gas cookers.

Whilst not part of the legislation, the guidance states that '*In the Department's view, a non-functioning purely decorative fireplace would not constitute a fixed combustion appliance*'. You might want to add a clause to the tenancy agreement to make clear that such a fireplace must not be used.

When positioning CO alarms, government guidance is to follow manufacturer's instructions. They are usually fitted at head height either on a wall or shelf, approximately 1 to 3 meters away from the fixed combustion appliance.

2. How often should alarms be tested?

There is a requirement for the landlord (or someone acting on their behalf) to ensure that the smoke and CO alarms (if any) are in good working order on the first day of the tenancy.

When testing alarms, it is important to check the expiry date printed on the detector and press the test button to ensure the audible alarm sounds. CO alarms have a life expectancy of around seven years whereas smoke alarms can last for up to ten years.

Landlords need to think carefully about how they record this information for audit purposes. You might ask the tenant to sign an inventory or other document to confirm that the alarms were present and working correctly when the tenancy started.

Once a tenancy has started, in a single-family property it is usually the tenant's responsibility to test smoke and CO alarms. Weekly or monthly tests are recommended, and it is good practice to explain this at tenancy sign up.

The testing arrangements are different in properties licensed under a mandatory HMO, additional or selective licensing scheme. All property licences should have a condition that makes the licence holder responsible for keeping smoke and CO alarms in proper working order.

For this reason, in licensed properties it is essential to test smoke and CO alarms during interim inspections and keep records to show it was done. It is good practice to follow a similar approach with properties not subject to licensing.

3. What happens if a smoke or CO alarm is faulty?

If a tenant reports a smoke or CO alarm is faulty, or a fault is discovered during a property inspection, the landlord must repair or replace the defective alarm as soon as reasonably practicable. This new requirement comes into force on 1 October 2022.

4. How are the rules enforced?

Local housing authorities in England are responsible for enforcing these regulations.

If a landlord fails to comply with the requirements, the local authority can serve a remedial notice requiring the landlord to fit and/or test the alarms within 28 days.

If a landlord fails to comply with a remedial notice, the local authority can issue the landlord with a civil penalty notice of up to £5,000. The local authority must also carry out the work specified in the remedial notice to make sure that the tenants are safe.

If a landlord disputes the civil penalty notice they can write to the council and request a review within 28 days of the notice being served. If a landlord remains unhappy with the outcome, they can appeal to the First-tier Tribunal.

5. How can I find out more?

The government have produced a helpful guide to the regulations (DLUHC: Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants: July 2022) that you can [view here](#).

If the property is a house in multiple occupation, you may need to provide a higher standard of fire precautions appropriate to the size, layout, and occupancy of the property, under the Housing Act 2004. You may also need to carry out a fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005. To find out more, you can read the LACORS national fire safety guidance, available [here](#).

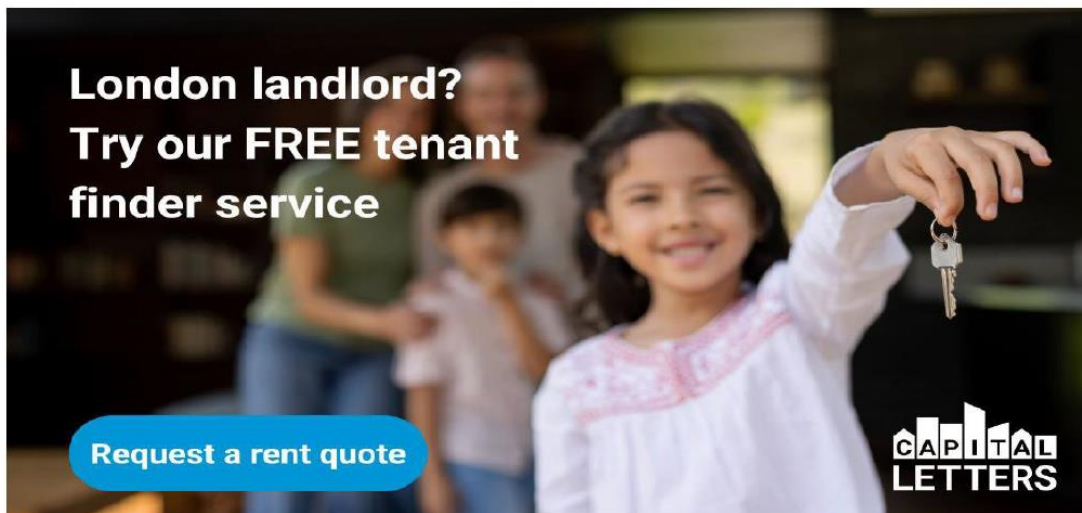
If you want to refer back to the legislation, the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 can be [viewed here](#).

The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 can be [viewed here](#).

It is important to remember that compliance with these regulations does not necessarily mean that the property has been provided with an acceptable level of fire precautions.

If the property is a house in multiple occupation, you may need to provide a higher standard of fire precautions appropriate to the size, layout, and occupancy of the property, under the Housing Act 2004. You may also need to carry out a fire risk assessment under the Regulatory Reform (Fire Safety) Order 2005. To find out more, you can read the LACORS national fire safety guidance, available [here](#)

Source: [Smoke and Carbon Monoxide Alarm \(Amendment\) Regulations 2022: guidance for landlords and tenants - GOV.UK \(www.gov.uk\)](#)



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Our tenants

Families living in temporary accommodation or about to be made homeless. The boroughs will make sure families are suitable for your property and can afford the rent.

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Some families need extra help during the tenancy – particularly if their benefits are affected. Free support to families and landlords is available throughout the tenancy.

We deal directly with the boroughs and other agencies to make sure the tenancy is set up properly.

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(Just one of many 5-star reviews on Google)



Green Homes Grant

Would you like to ensure that your property follows Minimum Energy Efficiency Standards (MEES), improve the warmth and comfort of your property, and help your tenants save on their energy bills? The Green Homes Grant is here to assist.

Landlords with properties in Camden can receive up to **£5k of grant funding** to cover two thirds of the costs for the installation of efficiency measures, such as low carbon heating systems, insulation, and smart heating controls.

To be eligible your property must have an energy rating of D, E, F or G (the lowest ratings) and your tenants must have an annual income of no more than £30k per annum or up to £20,000 income after housing costs.

Click [here](#) for more information or check your eligibility and register your interest [here](#). You can also call our project partners, **Warmworks** free on **0808 196 8255**.

Updates from the English Housing Survey 2020-21

Further updates from the English Housing Survey 2020-21 were released in July. Some of the areas covered, and most relevant for the private rented sector (PRS), are energy, feeling safe from fire, housing quality and other data on the rented sector.



Findings

Properties in the rented sector continue to be less energy efficient compared with social housing stock. The data show that 39% of privately rented and owner-occupied dwellings were in band C compared with 63% in the social sector.

On the question of improvements to a property based on recommendations on the EPC, 40% of private landlords had carried out work whilst 74% of social landlords had done all or some of the work recommended.

It can be costly to improve the energy efficiency of a dwelling and the survey explains that the average cost to improve dwellings in the category D to G to an energy efficiency rating (EER) of C is calculated at £7,737. One in ten of these properties would have to invest more than £15,000 to get up to a C rating.

The annual energy cost saving is quoted as £276 for rented property. A crude calculation shows that for an investment of £7,737 it would take 28 years for the initial cost to have 'paid for itself'. Energy improvements may, however, need to be considered for non-financial reasons.

Safe from fire

One of the new elements in the Housing Survey is that, since 2019, it has also investigated how safe people feel in relation to a potential fire in their home.

Overall, 87% of those surveyed did not fear that a fire would break out. 8% of renters in the private and social sectors were more likely to feel unsafe at home whilst only 4% of owner-occupiers said the same.

As one would expect, people who live in low- and high-rise flats felt less safe compared with those living in, for example, houses. Tenants from minority backgrounds were less likely to feel safe from a fire breaking out. The explanation for this is that they are more likely to live in flats compared with 'white household reference persons'.

Housing quality

In 2020, around 23% of occupied homes in the private rented sector (PRS) failed to meet the criteria set out in the Decent Homes Standard. The numbers are considerably lower for other tenures, with 14% of owner-occupied dwellings and 11% of social rented homes failing the standard.

The survey estimates that 14% of homes in the PRS are converted flats and as many as 35% of those are considered non-decent. The rented sector also has a high number of homes built before 1919 which tend to have poorer standards with 32% perceived as non-decent.

Government wants better housing quality in the UK and landlords will be expected to renovate their housing stock. This will, amongst other things, require that we follow recommendations made in, for example, the EPC certificate and adhere to the criteria set out in the Decent Homes Standard.

The difficulty for property investors is that there is often a considerable cost associated with renovation works. To bring homes in the PRS up to a decent standard, the survey stipulates an approximate cost of £8,475 — houses built before 1919 could set the landlord back by as much as £9,097. Owner-occupied homes will incur an investment of £7,852 which in turn costs more than homes in the social rented sector (£5,457).



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Ealing Council's new selective licensing scheme. **Is set to be the largest of its kind in west London & will come into force on Tuesday 3 January 2023.**

It has been introduced to improve property conditions and management standards in the private rented sector, leading to more sustainable tenancies for landlords and better conditions for renters and the local community.

Although the scheme was approved by the council's cabinet earlier this year, its size and scope meant that government approval was also required, from the Department for Levelling Up, Housing & Communities, which was received in September. The new scheme equates to more than 50% of the overall size of the borough and nearly half of all privately rented homes within it.

[A smaller selective licensing scheme came into force in three wards in the borough in April this year,](#) together with a boroughwide additional HMO licensing scheme applicable to smaller HMOs. But this new selective scheme will apply to all privately let properties in a further 12 wards.

Landlords who own properties in the new scheme area should submit license applications between **3 January and 3 April 2023 to receive a generous 25% discount off the £750 license fee, in addition to further reductions for accredited landlords and properties with EPC ratings of C and above.** Further support will also be available with landlords being offered an invitation to attend free online training sessions on **Wednesday 7th December 2022 and Wednesday 11 January 2023.**

Find out more about the private rented property licensing schemes at www.ealing.gov.uk/prslicensing.

If you own or live by a privately rented property, you can check to see if it falls within any of the designated areas at www.ealing.gov.uk/postcodechecker.

You can also check to see if a property has a license at www.ealing.gov.uk/publicregister.

LLAS & ATLAS PRS Conference & Training Day **Bringing you up to date with PRS Legislation** **Thursday 23rd March 2023** **From: 10am to 2pm** **VIRTUAL -ONLINE**

Presentations will be on different regulations that landlords, agents, property investors and local authorities staff operating within the PRS should be aware of. Our speakers will take delegates through all the legal developments over the past year, current and new developments

Ticket prices; Accredited member: £30. Unaccredited member: £40
Book at www.londonlandlords.org.uk

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One Of The UK's Leading Property Experts Kam Dovedi Shares With You How To Take Your Property Investing To The Next Level In 2022.

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 - **5 Crucial Predictions for 2022**
 - **7 Steps To Becoming A Successful Property Investors**
 - **7 & 1/2 Mistakes Property Investors Must Never Make**

Specialist landlord & tenant lawyer -Tessa Shepperson Answers landlords' FAQ: Legal Issues for first-time Landlords.

There are a lot of things which landlords need to consider before renting out their property (and arguably before investing in a buy-to-let property). Let's take a look at the most important.

First things first

Two initial questions

1 Why are you looking to rent? Is it because?

- You have inherited a property?
- You have moved in with your partner and are looking to rent your own house or flat
- You want to rent your own home while working away
- It is your own or a family business, or
- You are an investor?

2 Then there is what you want from renting. Is it

- To get an income (e.g., instead of a regular pension)
- Capital investment
- A property for a child at college
- To retain a property, you want to live in later, or
- To run as a business.

Location, Location, Location

Most readers of this article will be based in London but be aware that if you own rented property in Wales, you need to be registered with Rent Smart Wales and there is due to be a major change in the law on 1 December 2022. Often the type of letting you do will depend on where your property is. For example, if it is in a student city, you are more likely to be a student landlord and if you are near a beauty spot or the seaside you are more likely to rent out to holidaymakers. Whether you are close to transport links and amenities will also affect the rent that you charge – for example, properties close to the newly opened Elisabeth line stations will now command a higher rent.

Things to check before renting

Before you do anything, you need to check that you are allowed to rent the property to tenants. For example

- If you are looking to rent a leasehold flat, you need to check your lease – as they often prohibit subletting or make it conditional upon getting permission from the freeholder
- If you are a tenant, in virtually all cases your tenancy agreement will prohibit subletting. Unless you are a tenant under a 'rent to rent' agreement. Although be careful about rent to rent as it can be problematic if you don't get it set up properly
- If the property has a mortgage you need to check with your lender to make sure letting is permitted under the terms of your mortgage
- Planning can also be an issue sometimes, although this is normally only going to happen if you are looking to rent out a family home as an HMO.

Different types of letting

You will probably be looking to rent as one of the following:

A family home – this will need proximity to good schools and at least two bedrooms. You may have to accept pets but this type of letting is often very long-term.

A House in Multiple Occupation – If you rent to three or more people in two or more ‘households’ (‘household’ basically equates to ‘family’) the property will be an HMO and you will need to comply with the management regulations. If there are five or more occupiers in two or more households, you will in addition need to get a license from the Council. In some areas you will need to get a license even if there are fewer occupiers – so you need to make enquiries at your Council to find out what the situation is in your area. Sometimes you may also need to apply for planning permission.

Student accommodation – ideally you need to be listed by the University/College accommodation office and note that the property will almost certainly be an HMO. The furnishings need to be appropriate for students and it must have good broadband.

Resident landlord – this is where you rent out self-contained accommodation in the building where you live yourself (note that this is different from a lodger situation which is where you share living accommodation with them). This will be a common law or unregulated letting rather than an assured shorthold tenancy. Slightly different rules apply, and you will need a different type of tenancy agreement.

Company let – this is where your tenant is a limited company. Like the resident landlord let’s, this cannot be an AST (because the legislation says so) and so will be a common law, unregulated tenancy.

Although the company (being an imaginary being) cannot live in the property itself, it can do so through its directors and employees in which case it will still be a residential tenancy. Otherwise, for example, if the tenant is going to sublet to other tenants, it will be a commercial business tenancy and you will need to use an appropriate agreement.

Serviced accommodation – this is normally high-end property with services such as cleaning and concierge, in which case it will probably be a residential license rather than a tenancy. However, if so, it needs to be set up carefully and the services should be maintained.

Preliminary actions

All of the following should be done before you start to look for tenants:

- Sign up for property alerts at the Land Registry to protect against fraudsters
- Decide whether you are going to use letting agents or self-manage (you will find a helpful guide at www.landlordlaw.co.uk/saving-money).
- Decide how to deal with rent payments – ideally have a separate bank account or use an app such as lphaletz.
- Make sure you have proper insurance – note we have a free guide at <https://landlordlaw.co.uk/insurance>.
- Register with the Information Commissioners Office – this is necessary even if you only have one property. Find them at www.ico.org.uk
- Decide whether you are going to take a deposit or not, and if you are, register with a scheme
- Set up a system for keeping records – for example there are many important documents where it may be necessary for you to prove service on your tenant.

Condition and regulations

You should make sure that your property is in top-notch condition, that you have a detailed inventory, and that you are compliant with all the various regulations – for example

- You will need to have a current gas safety certificate ready to give your tenants before they move in, otherwise you may not be able to serve a section 21 notice
- You will need to have the electricity system checked and again have a certificate to give tenants
- You will need to have an energy performance certificate and again this needs to be given to tenants before they move in
- Your furniture must be fire safe and compliant with the furniture regulations
- You should have considered fire safety and ideally obtained a fire safety risk assessment report and installed all the required smoke and CO alarms. These need to be tested these on the day tenants move in (and you should get them to sign to confirm this).

- You should have checked for legionella in the water
- If your property is a licensable HMO, you should also have obtained your HMO license before the tenants move in otherwise, they will be entitled to apply for a Rent Repayment Order.

That's a lot of things to do and check!

If you need some help and guidance, note that my Landlord Law service at www.landlordlaw.co.uk has information, checklists and forms which can help you become compliant.

Tessa Shepperson.

Tessa is a specialist landlord and tenant lawyer and runs the Landlord Law online information service at www.landlordlaw.co.uk You can sign up to her free weekly bulletin (and get a free eBook) at www.landlordlaw.co.uk/bulletin



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HAVE YOUR SAY ON BRENT'S LANDLORD LICENSING CONSULTATION

You can have your say
on the consultation by going to
www.brent.gov.uk/landlordconsultation
before 23rd January 2023 deadline.



Have your say on licensing for private rented properties in Brent

A borough-wide consultation on landlord licensing for privately rented properties in Brent launched yesterday (31 October 2022) for twelve weeks. The consultation is now live.

The online consultation is open to anyone to have their say on landlord licensing in the borough.

Three types of licensing schemes operate in the borough: mandatory, additional, and selective licensing. Selective licensing applies to a single household renting a property, be that a family or just one or two tenants.

This consultation asks people whether they are in favour of selective licensing schemes in Brent.

Cllr Promise Knight, Cabinet Member for Housing, Homelessness & Renters Security, said: "More than a third of people in Brent rent in the private sector. Whilst most landlords provide safe and decent homes, sadly that isn't always the case.

"Licensing has helped keep renters safe. Since we introduced our first selective licensing scheme in 2015, we've driven up housing standards, reduced overcrowding and tackled anti-social behaviour. Where landlords have fallen short, we have been relentless in taking action and will not hesitate to throw the full-force of the law at rogue landlords."

All wards, with the exception of Wembley Park, are being considered for selective licensing in Brent. Selective licensing previously applied to Harlesden, Wembley Central and Willesden Green, and presently applies to the old wards of Queens Park, Kensal Green, Kilburn, Dudden Hill and Mapesbury. But this current scheme ends on 30 April 2023.

Have your say on the licensing consultation today at www.brent.gov.uk/landlordconsultation

NEW PROPERTY LICENSING SCHEME

If you're a landlord in Haringey, then you may require a Selective Licence to let your property.

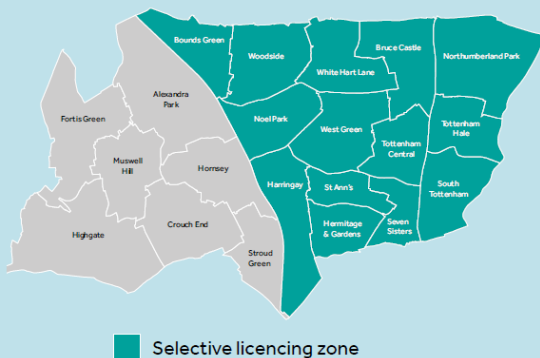
This will be compulsory from 17 November 2022.

Haringey Council's new property licensing scheme aims to:

- Provide safer, well-managed housing for private renters.
- Ensure landlords take maximum responsibility for maintaining and improving the properties they let.
- Identify and improve properties with the worst efficiency ratings to help reduce fuel poverty.

DO YOU NEED TO APPLY?

Any private rented property in the selective licensing zone marker which is let to a single household, or two unrelated sharers, will need a licence.



To apply or for further information visit:
www.haringey.gov.uk/selectivepropertylicensing

What are the legal ramifications of a tenant running a business from a rented property?

By Mark Dawson, Senior Partner at [AST Assistance](#)

The COVID-19 pandemic drastically moulded the working landscape. For many workers, it introduced the possibility of working remotely and to others, the chance to run their own business. Often, such ventures would be operated from their rented domicile, which can bring legal complications.

Property legislation in the UK governs a tenant's rights to use the property for personal use, but if one wishes to run a business one must first be aware of their rights. Failing to adhere to them could result in legal ramifications.

As a landlord, it is vital that you understand your rights and responsibilities, and consider the pros and cons of allowing your tenant to run a business from your property. If you discovered that your tenant is running a business from the property, or they wish to do so, read the guide below by the experts at AST Assistance to know your options.

A background to rental property types

Prior to the COVID-19 pandemic, there were two distinguishable rental property types: residential and commercial.

The ramifications of home and hybrid working, alongside a rise in individuals running businesses from their rented accommodation, have changed the legal definitions of rental property types. In tandem, the rights and responsibilities of tenants wanting to run a business from a rented property have changed.

As such, landlords and tenants must understand their rights before a business is begun to be run from a rented property.

Can a tenant legally run a business from a rented property?

Yes - but not always. Firstly, one must look at the primary use of the accommodation, specifically, whether it is being used solely to run a business, or if the tenant is living there whilst working at the property sporadically, such as a couple of times a week.

In order for it to be legal to run a business from rented accommodation, it must primarily be used for residential purposes. For this to be true, it cannot be used for business purposes over 40% of the time.

As a landlord, you must also make insurance considerations. Check your policy carefully before allowing a tenant to run the property for business, as you may not be covered for such circumstances.

If you permit your tenant to run a business from your property, the tenant must check with the local authority that they do not need to pay business rates for their council tax.

Can a tenant register a business at a rented property?

Registering a business at an address where it is not primarily being run is commonplace, such as the business's accountant's address. It is therefore legal for a tenant to register a business at a rented property.

However, discussions should always be made with the landlord prior to doing so, in order to maintain the threshold of business operations below 40%. Any doubts about registering should be discussed with the tenant, and the legal rights of doing so should be understood prior to registering.

Can I refuse my tenant's request to run a business from my property?

There are a few reasons why you may not want your tenant to run a business from your property, but few are legal grounds for annulling their request. You may refuse in such cases:

- Your mortgage explicitly states that the property is for residential use only. Primarily residential use is not the same, and your tenant cannot force you to change your mortgage to allow this.
- You can prove that running a business would result in excessive wear and tear to your property. If this is a concern, speak to your tenant about the intended uses.
- You have reason to believe that the business would disrupt the individuals in neighboring properties. Common examples include excessive noise and increased traffic.

What to do if your tenant wishes to use your property for business purposes

If you have concerns about your tenant's right to use your property for business purposes, you should discuss them with specialists in tenancy laws. It is imperative that both parties understand their rights before a business is registered and run from a rented property, or risk facing legal consequences.

This article has been provided by Mark Dawson, an expert with over twenty years' experience dealing with [landlord and tenant issues](#).

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Fire Safety Advice and Guidance

DO FIRE DOORS NEED TO BE SELF CLOSING?

According to Approved Document B of the Building Regulations (ADB), a self-closing device is:

*“A device that closes a **door**, when open at any angle, against a **door frame**.”*

A self-closing device should reliably close the door leaf tight against the door stop, or into its frame, from any openable angle and be able to overcome resistance from any fitted latch or seals.

The self-closing device should allow for ease of use for those using the door in compliance with Part M of the Building Regulations.

Do all fire doors need to be self-closing?

The short answer is **no**, but how do we determine what does and does not require a self-closing device? According to ADB volume 2, a self-closing device **is required** on a fire door if:

- subdividing escape routes to separate two or more storey exits
- subdividing corridors every 12m in length
- subdividing a dead-end condition in a common corridor exceeding 4.5m in length
- protecting a staircase enclosure from a circulation space
- doors open onto external escape stairs

In 'residential' type buildings (care homes, hotels, student accommodation etc.), all fire doors should be fitted with a self-closing device, other than those providing access to cleaner cupboards, plant and other high fire risk spaces and service risers, which should be kept closed and generally locked when not in immediate use.

Buildings housing flats will also require self-closing devices fitted to the front door of each flat, separating the flat entrance from the communal areas.

In private dwelling houses, a self-closing device is only required if your home has an integral garage door. Both ADB and the Local Government Association's publication *Fire safety in purpose-built blocks of flats* state that no other fire doors in your private home require self-closing devices – although it is recommended.

Why should self-closing devices be fitted?

When an emergency alarm is sounded or a fire is discovered, the evacuating occupants may not necessarily fully close the doors behind them as they hurry to leave. A closed fire door is designed to and will help prevent the spread of smoke and fire onto or through escape routes and self-closing devices which are operational and well maintained will help avoid this situation.

In buildings with high footfall, it is not uncommon to find self-closing fire doors which have been restricted from closing by use of a door wedge or heavy object. In doing so the function of the fire door has been compromised and therefore the fire safety protection afforded has been compromised. Such actions not only demonstrate poor fire safety management but could potentially lead to action taken by the enforcing authority (normal the local Fire Authority). The more foot traffic which passes through these doors, the more likely they are to be wedged open for ease of operation.

There are legally compliant methods of holding fire doors open such as electromagnetic, electromechanical, acoustic, and wireless fire door hold open devices which can be considered; however, it is essential that competent advice is sought before their implementation to ensure that they meet the requirements of British Standard, BS 7273-4 (Actuation of release mechanisms for doors), in terms of their type and location.

Most of these devices will be hard wired (interfaced) with the fire detection and alarm system to release the doors to close in the event the alarm is raised. In addition, free-swing closing devices as used in healthcare settings predominantly and allow or the door to be held open freely at any angle, but on sounding of the alarm will move the door to a closed position.

Fire doors in constant use are subject to significant wear and tear, and so the installation of a self-closing device may help reduce the impact of such damage, as well as help prolong the integrity of the door and provide the required level of fire protection. Given the additional sleeping risk present at some types of premises, additional fire safety precautions are generally required to ensure the private areas remain adequately separated from the common areas and escape routes, to help contain the fire for a period by limiting its spread.

Different types of self-closing devices and their relevant standards

It is essential that the door closer chosen for any specific application or use has been tested in combination with the full fire door set to ensure that the entire ensemble works effectively as a whole and offers the required level of fire resistance. Advice and guidance should be sought from the manufacturer, supplier or a competent (preferably third party certified) contractor where decisions of this nature are being made.

Ensuring the appropriate type of fire door closer should take into consideration the needs of the building occupants and door usage. The closing speeds on doors, particularly those held fitted with hold open devices, require specific attention to ensure they are not subject to closing speeds which could inflict injury. Adjustments should be made to lengthen the closing time, to allow occupants to get out of the way or prolong the time needed to pass through the door for those less mobile, for example in a care home setting or hospital. All devices should be CE marked to comply with their relevant standards, and have the appropriate mandatory signage displayed on both sides of the door in accordance with BS 5499-10

Door closers meeting the requirements of BS EN 1154 – Controlled door closing devices

- **Rack and pinion** closers – such as overhead devices are the most common and cost-effective type, but do not tend to operate as efficiently as cam action
- **Cam action** closers – such as floor springs – have fewer moving parts and therefore less friction, so are more suitable for Part M compliance

Devices meeting the requirements of BS EN 1155 – Electrically powered hold open devices

- **Hold open devices** are fitted to fire doors and are predominantly interfaced to the fire alarm system to hold the door open until the fire alarm activates or a power supply is interrupted. Self-contained release devices which are battery operated will release when acoustic or wireless signals are received from a fire alarm activating
- **Free swing door closers** are also interfaced to the fire alarm system, and are very similar to a hold open device – the main difference is that a free swing closer will have no closing or opening pressure until the fire alarm activates, or a power supply is interrupted

Automatic door releases can be triggered by each or any of the following:

- the activation of an alarm by either automatic fire detection or a manual call point
- the acoustic signal from any system activation
- a wireless signal from a system activation
- failure of the fire warning system
- manual release by an occupant
- power supply failure

Concealed door closers

These can be more aesthetically pleasing, as the device is recessed into the door leaf/frame, and it can also help reduce the risk of vandalism. There are three types of concealed closers that are fitted to timber doors, which are installed in the top of the door lead, above the door in the frame head or transom, or installed in the hinged edge of the door.

These doors require a controlled closing feature to ensure that fire doors are able to fully latch. As concealed closers require removal of part of the door/frame structure it is particularly important that they only be installed when permitted by the fire door manufacturers and in line with their specifications.

Rising butt hinges and single chain devices do not meet the requirements of BS EN 1158 and hence are not suitable for use as self-closing devices.

Door coordinator devices meeting the requirements of BS EN 1158 – Door coordinator devices

Where double doors with rebated meeting edges are concerned, it is essential that the individual door leaves close in the correct sequence to ensure they are able to fully align closed and provide the intended fire resistance. Door closing coordination devices are installed for this purpose. Commonly installed on the head of each leaf, they ensure effective closing into the frame of both leaves

General advice

Those doors fitted with automatic door releases in sleeping risk buildings should be closed at a predetermined time each night and remain closed throughout the sleeping hours as deemed appropriate. It is of course good practice to ensure that all fire doors are closed at the end of the working day regardless of the premises use, where practicable, to ensure effective compartmentation is maintained when the premises are empty to prevent, in the event of fire, widespread property damage.

All doors fitted with automatic door releases should be tested weekly in conjunction with the fire alarm tests, to ensure they successfully release on activation of the fire alarm system. Regularly releasing the doors will also help to prevent warping of the fire door leaf.

As with all aspects and elements of fire doors, self-closing devices should also be subject to routine inspection, testing and maintenance at suitable frequencies depending on the frequency of use of the door to ensure that they function effectively at all times.

Learn more about the risk assessment services offered by the Fire Protection Association [here](#).

WHAT IS THE PURPOSE OF A FIRE DOOR?

The prime purpose for fire doors is to save lives and stop the progress of fire in support of both escaping occupants and fire-fighting activities. They are an important part of a building's passive fire protection system and an essential requirement for the vast majority of premises including residential, public buildings, offices, and factories (specific building regulations must be checked).

The main functions of fire doors are:

- To allow egress from a space and to close once released
- Protect escape routes from the effects of fire (smoke, gases, and flames)
- Potentially limit the amount of oxygen available and slow the growth of a fire

Fire doors are manufactured to withstand the spread of fire for a given period, normally a minimum of 30 minutes. This allows time for people to leave the building via an escape route if other routes are impacted by the effects of fire.

Fire doors are an engineered component which includes the frame, door leaf and any fixtures and fittings. They can be solid or made with a special core, often flax board, or a wood composite material. They will be fitted with intumescent seals, installed in the frame or leaf, which seal the door on impact with heat to stop the spread of fire and/or smoke around the edges of the door. Doors will similarly be fitted with smoke seals to prevent the passage of smoke in the early stages of a fire.

Fire-rated doors must be installed correctly in accordance with the manufacturer's instruction and include the specified ironmongery and other facilities which represent the door set as originally tested as this is critical to the door's performance in the event of a fire. The British Woodworking Federation believes "third party certification is the only way to ensure that Fire Doors are manufactured consistently to protect lives and save property. Cutting corners can cost lives."

Fire door maintenance

Because of their importance in protecting lives, it is imperative that fire doors receive regular inspections. Frequency is likely to depend on many factors, including the age and condition of the door and its frequency of use. A fire door protecting a staircase will be used far more frequently than one fitted to a boiler room for example. Fire doors should always be fitted correctly by a competent installer as they are a carefully engineered fire safety device. Similarly, they should be inspected and maintained by competent persons.

Under the Regulatory Reform (Fire Safety) Order 2005 (FSO) (and similar legislation in Scotland and Northern Ireland), building owners, operators, and occupiers – including landlords in residential premises – have a responsibility to ensure their properties and tenants are safe. This includes ensuring that fire doors are fit for purpose and properly maintained (including front doors to flats and such like). Those with ultimate responsibility for a premises have a legal responsibility under this legislation and can be prosecuted if they do not fulfil their duties.

A 5-step check for fire doors

This simple 5-step check should tell you if your fire doors are up to standard:

1. **Check it for certification** – For modern doors there should be a label on top (or sometimes on the side of the door) or a colored plug to show it is a certified fire door. However, older doors may not carry such markings or labels. Their design and construction will differ from more modern door sets (for example, they may not have any intumescent or smoke seals but be provided with a 25mm door stop). Where a vision panel or other glazing is installed in the leaf or as part of the surround, it should be fire resisting and properly fitted. Many fire doors are fitted with wired glass but where clear panels are installed, they should be checked for an appropriate etched mark (usually in one corner) which confirms it is of a fire resisting type.

2. **Measure the gaps** – The gaps around a fire door should be consistently less than 4mm. You can use a £1 coin to test this which is around 3mm. In circumstances where the gaps are excessive or uneven, adjustment of the frame or leaf may rectify this, otherwise replacement may be the only alternative. The leaf and frame should also be checked to ensure that it is not bowed or warped. Warped, bowed, or cupped doors are problematic to repair and commonly require replacement.
3. **Assess the seals** – The intumescent and smoke seals (often combined) around a more modern fire door are paramount to ensuring its performance in fire as if there aren't any or if they are damaged, the door could be compromised so it is vital to report any damaged or missing seals.
4. **Does it fully close?** – Open the door and let it close on its own. If it does not close all the way by itself, then it is not likely to work effectively in the event of a fire. If the door is held open normally (on an electromagnetic hold open device for example) it should similarly be checked during the weekly fire alarm test to ensure the doors release and close when the alarm is sounded. The fit of the door, hinges, and self-closing device or latch may all impact the door closing effectively.
5. **Check the hinges** – If the hinges are not firmly fixed, have missing/broken screws, or are dirty or leaking, the integrity of the door could be compromised and may require maintenance. Valuable time can be saved with properly maintained hinges.

Source: for more info visit [Fire Protection Association \(thefpa.co.uk\)](https://www.thefpa.co.uk)

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- The Government's plans direction of the private rented sector
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- Plans for the new Ombudsman and Property Portal to regulate the PRS and help landlords comply with regulatory standards
- New measures developed to protect tenants for example ban on section-21 evictions
- Plans for extending the Decent Homes Standard to the PRS and local authorities' role in enforcement
- Upcoming energy efficiency requirements for rental properties, the legal perspectives, as well as practical advice on getting properties fully compliant
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Letting agent handed a 34-month sentence for fraud

A letting agent, who left landlords more than £80,000 out of pocket, has been handed a further 34-month sentence for two counts of fraud by abuse of position.

Frank Smart, 46, formerly of Dowding Avenue in Cambridge, was sentenced at Ipswich Crown Court on Friday after he unexpectedly changing his plea to guilty during an administrative hearing on 12 August, with his trial having initially been scheduled for June of next year.

Smart, who was jailed for 28 months for assault and malicious communications in January of this year, will now see his time in jail extended by almost three years after he admitted scamming his victims out of more than £80,000.

A spokesperson for Suffolk Trading Standards, which brought the prosecution against Smart, said: "Many of these landlords entrusted Smart Residential with their rental properties, and to hold tenancy deposits on their behalf.

"By law, these deposits should have been placed into a Deposit Protection Scheme – offering protection to tenants in the event of a landlord or letting agency facing financial difficulties. We believe that Mr Smart failed to use this scheme, resulting in substantial losses for his victims.

"We spoke to over 30 witnesses, with numerous landlords telling us that they didn't receive rental income and had to refund tenancy deposits out of their own pocket. This resulted in individual losses ranging from £700 to over £8,000 and an estimated total loss in excess of £80,000."

Nadeem Holland, representing Suffolk Trading Standards, read victim impact statements from some of the 32 individuals affected by Smart's dishonesty.

Among the statements, Michael Stott, said: "I requested a meeting with Smart to check that deposits were being held securely, but he didn't show, and his office was locked up.

"We tried to recoup money through a county court judgement, but his creditors had already been paid and there was no money left. We have lost more than £7,000, not to mention the sleepless nights and worrying about how we will manage."

Philippa Fletcher added: "The loss of rent and need to change the locks resulted in losses of more than £1,000 which we could not recover, and as pensioners, could not afford to cover.

"We found ourselves stressed and anxious about how we would cope in the longer term."

Sentencing Smart, Judge Gabrielle Posner, commented: "I find this in many ways, a sad case, both for your victims and your own life spiralling out of control.

"It is particularly sad because many of your victims liked and trusted you prior to this. These were mostly not large businesses, but people supplementing their incomes."

Source: [Letting agent handed a 34-month sentence for fraud - Property Industry Eye](#)

Online CPD Courses: Book online at www.londonlandlords.org.uk

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Tenancy Deposit Protection &

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LANDLORD LICENSING & DEFENCE

CONTEST a Rent Repayment Order (RRO) from the council or a tenant.

Received an application for a **Rent Repayment Order (RRO)** or a notice from the **First Tier Tribunal (Property Chamber)** that a claim has been made against you?

Do NOT ignore. Do NOT talk to the tenant or council.

You have limited time and you need immediate advice. Most tenants use ruthless no-win-no-fee solicitors.

TALK TO US 0208 088 3494

PROTECT yourself from enforcement with a **Property COMPLIANCE Audit.**

- HHSRS 29 Hazards - Confidential audit to bring your property into compliance (that the council cannot use against you)
- Professional Fire Risk Assessment - the best defence against Gross Negligence Manslaughter
- Council & Amenity Standards
- Full confidential audits covering all of the above

TALK TO US 0208 088 3494

CHALLENGE A CIVIL FINANCIAL PENALTY

Councils can issue massive Civil Financial Penalties for breaches of housing law.

- Failure to licence a property or having the wrong licence.
- Breaches of your property licence or HMO conditions.
- Failure to comply with an Improvement Notice, Prohibition Order or Management Order.

The council gets to keep all the money so their motivation to fine you is immense.

Stay silent with the council and get immediate professional defence.

£30,000 FINE

TALK TO US 0208 088 3494

FIGHT a Tenancy Deposit Claim

Received a letter or notice of deposit protection claim from your tenant or a solicitor?

Most claims come from aggressive no-win-no-fee solicitors.

It probably demands a lot of money and threatens court action.

Whatever you do, do not respond.

Seek immediate professional help to avoid court and minimise extortionate demands for compensation.

TALK TO US NOW 0208 088 3494

Compliant HMO design advice

90% of architects and builders do NOT understand HHSRS and Amenity standards requirements.

Advice on compliance after 2nd Fix can cost a fortune in reworks.

Get a professional review of your drawings or at 1st Fix and save yourself a fortune.

TALK TO US 0208 088 3494

Unwitting, Accidental or Unlicensed HMO?

Any property with 3 persons where one is not related to the others IS an HMO even if you are unaware.

If it should be licensed but isn't you have already committed a criminal offence and the fines can be £30k+

Do NOT talk to the council. Get professional defence to mediate for you and apply for the missing licence in the safest way possible.

TALK TO US 0208 088 3494

DEFEND against Enforcement from Council!

Landlords are entitled by law to have **professional defence.**

- Improvement Notice
- Failure to Licence HMO or Selective
- Prohibition Order. Not Fit and Proper Declaration
- HMO Management Regulations Penalty
- PACE interview under caution

TALK TO US 0208 088 3494

CONTEST a Fitness for Human Habitation claim

The latest get-rich scheme of ruthless no-win-no-fee litigation solicitors.

They will rack up vast legal costs and attempt to make you pay them through the courts. Plus, they'll take a hefty percent of the damages they win for the tenant.

They do not care about getting repairs done or tenant safety

Do **NOT** answer them, you're likely to self-incriminate.

TALK TO US NOW 0208 088 3494

LB Newham Additional HMO Licensing Scheme Update

The additional house in multiple occupation (HMO) licensing scheme designation notice was confirmed and signed off on 16 September 2022. The date the new additional HMO designation scheme starts is 1 January 2023. Click [here](#) to see the Designation of an Additional HMO Licensing Notice.

- The Additional Licensing Designation applies to all wards in the London Borough of Newham excluding Royal Victoria and Stratford Olympic Park. The scheme will mean that landlords renting a house in multiple occupation with three or more people, consisting of two or more households in the borough (except for Stratford Olympic Park & Royal Victoria wards) will have to obtain a licence from the council, unless exempt.
- An additional licence costs £1250, for up to 5 years. However, there are discounts available including an early bird discount reducing the fee to £800, for those who successfully apply before 1st January 2023.
- Our new schemes aims to encourage professionalisation of Newham landlords by offering discounts where there is valid landlord/letting agent membership and good quality accommodation. This could mean that the additional HMO licensing fee applied for before the scheme starts and if a member of a landlord/letting agent and a warm home (EPC or above) could reduce from £1250 to a minimum of £700 per property. Some examples of discounts are:
 - Warmer homes (EPC C or better) at time of application (£50 discount)
 - Being a certified/valid member of a landlord accreditation organisation (£50 discount)
 - Multiple dwelling licence (i.e., flats in the same block, where licence applied for at the same time and same ownership etc.) (£50 discount for the 2nd flat onwards).
 - Nightly paid accommodation will remain at the early bird rate (£800) throughout the scheme period if signed up and used by Newham council.
 - The full details on eligibility and maximum discounts etc. are included in: [Appendix 3 LB Newham Licence fees](#)
- Your organisation is included in the discounted membership list and would be grateful if you could highlight this to your members. The current list includes: **London Landlord Accreditation Scheme (LLAS), National Residential Landlord Association (NRLA), British Landlords Association (BLA), Safe agent, PropertyMark and UK Association of Letting Agents (UKALA)**. This list will be updated on the Newham website, and we will consider further organisations providing a similar level of accredited training and landlord support
- The Council will be accepting **additional HMO licence** renewal applications from the **1st of October 2022**. [Apply for a property licence – Rented property licensing – Newham Council](#) (where let to three to four people, consisting of two or more households, sharing facilities) Please note that this renewal date does not apply to Selective licensing (where let to one household (a single-family property) or two unrelated occupiers) let to one or two people, or one family households) and see paragraph below.
- A landlord or manager who fails to obtain a licence can either be prosecuted and receive an unlimited fine and conviction; or receive a civil (financial) penalty notice of up to £30,000 per offence.

LB Newham Selective Licensing Scheme Update (where let to one household (a single-family property) or two unrelated occupiers)

After Cabinet approval, a selective licensing confirmation application was made on 25 July 2022 to the Department for Levelling Up Housing and Communities, and we anticipate feedback on their decision around November 2022. There will be further publicity circulated on the outcome of this decision. The current selective licensing scheme expires at the end of February 2023. The selective licensing scheme covers all privately rented properties occupied by one or two persons, or those living as one family.

For further information and all council reports please visit our webpages:

www.newham.gov.uk/propertylicensingconsultation

[Apply for a property licence – Rented property licensing – Newham Council](#)



Haringey Council's new selective property licensing scheme has opened for early applications

Under the scheme, privately rented properties to a single household or two unrelated sharers within the [selective licensing zone](#) will require a license to be legally let. **Licensable properties under Haringey's existing HMO schemes (additional and mandatory) do not require a selective license.**

A single household can take many forms, including:

- a single person.
- a couple; and
- a family of related sharers.

Selective licensing will be compulsory in Haringey **from 17 November 2022. Apply before 11.59 pm on 16 November 2022 to receive the automated discount.**

How to apply

You can apply for a property license via [Haringey's online portal](#).

To qualify for an early application discount, you will need to submit scanned copies of the following certification:

- a valid electricity safety certificate.
- a valid gas safety certificate; and
- a valid and compliant Energy Performance Certificate (a rating of A-E).

The application form will also ask you to:

- confirm your personal details.
- declare all parties with an interest in the property (including mortgage providers).
- confirm the sizes of the rooms within the property.
- complete a 'fit and proper' questionnaire; and
- pay Part A of the licence fee (£350).

Once you've applied, please allow up to 90 days for the Council to process your application.

No licenses will be issued before 17 November 2022.

Find out more

More information about the new scheme is available on Haringey's [selective property licensing webpage](#).

You can also contact their Private Sector Housing Team for further support by:

- telephone on **020 8489 3588/4935/3051**.
- email at propertylicensing@haringey.gov.uk; or
- writing to **Private Sector Housing Team, London Borough of Haringey, Fourth Floor, Alexandra House, 10 Station Road, Wood Green, N22 7TR.**

Five agents expelled from the Property Ombudsman Scheme

The Property Ombudsman (TPO) has published its latest list of agents recently expelled from the scheme.

Between July and September 2022 (inclusive), five agents were excluded from The Property Ombudsman (TPO) for failing to pay compensatory awards.

Home Trader Properties, a sale, and lettings agent in London, E1. Following a landlord complaint, it was found that Home Trader Properties failed to inform the landlord that their guaranteed rent agreement had expired and that the tenant had accrued significant rent arrears. An award of £1,500 was made and remains outstanding. It appears that Home Trader Properties is still actively trading with properties for sale and let on its own website and Zoopla.

Hardman Estates, a sales and lettings agent in Crewe, Cheshire. Hardman Estates failed to transfer over a total of four months' rent to the landlord and repeatedly ignored emails regarding the money owed. An overall award was made which included nearly £2,000 for rent and £300 in compensation. Hardman Estates is no longer trading, post is being returned to sender and emails are undeliverable. However, it remains active on Companies House but with a striking off pending.

New Estate Management Ltd, block and estate management in Nottingham. Numerous issues were raised in regard to New Estate Management's block management service. These included failing to inform that cleaning services would be carried out by themselves, the standard of work undertaken to the basement corridor and a breach of management agreement. Nine of the issues raised were supported and an award of £1,000 made. TPO believes that New Estate Management Ltd is still trading.

Stratsmore Group, a sales, and lettings agent in Ilford. A landlord raised a number of complaints about this agent, the primary one being that a new and unreferenced tenant was placed in the property without authorisation. Despite terminating the tenancy, Stratsmore Group sought to retain 24 months of fees that had been paid in advance. TPO directed for this to be refunded and made a further award of £500 for aggravation caused. TPO also found that this agent failed to register the deposit preventing the landlord from making a claim through the usual channel of a deposit protection scheme. An award was made equivalent to evidenced damages, as well as a further £400 for aggravation. The total award was just under £8,500. Stratsmore Group is going through liquidation, according to Companies House.

Mark Warren, a sale, and lettings agent in Manchester. Despite agreeing within the contract to notify the landlord of her need to comply with relevant Health and Safety legislation, they failed to do so when certificates were due to expire, placing the landlord and property at a heightened risk. They also failed to deal with the subsequent complaint in the appropriate manner, causing further distress. An award of £125 was made. It appears that Mark Warren is still actively trading with properties being advertised on its website and Onthemarket.

All five agents failed to pay the award made and were therefore referred to the scheme's independent Compliance Committee, which ruled that they should be excluded from The Property Ombudsman scheme.

Despite an ever-increasing demand for its service (over 45,000 enquiries in 2021), TPO has maintained 99% compliance with Ombudsman awards demonstrating TPO's effectiveness in ensuring consumers continue to receive appropriate redress. 2,224 financial awards were made to consumers in 2021, 2,193 were paid.

Only 17 awards remained unpaid throughout the year with 14 agents excluded, compared to 19 exclusions in 2020. The Compliance Committee has taken action against all agents that did not comply with the Ombudsman's decision.

As part of TPO's process, notification of these expulsions are shared with all relevant bodies, including both Local and National Trading Standards for further investigation.

The memorandum of understanding between TPO and other redress schemes prevents agents from registering with another scheme until outstanding awards have been paid to consumers.

Source: [Five agents expelled from the Property Ombudsman Scheme - Property Industry Eye](#)

BTL landlord ordered to pay £40,000 for breaches of property license

Islington Council has prosecuted a landlord who repeatedly failed to comply with licensing regulations, including refusal to provide a kitchen for a tenant, resulting in costs of £40,000.

The case was brought by the council's Environmental Health team after an investigation revealed 15 breaches of residential property licensing conditions and a further two breaches of property management regulations. These breaches included leaving one tenant without access to a kitchen.

Mohammed Shahid, owner of 563 Holloway Road, was sentenced on Saturday, 22 January at Highbury Magistrates Court and his appeal was dismissed at Snaresbrook Crown Court on Thursday, 30 June.

Shahid was instructed by the judge to pay a fine of £31,250, costs of £8,657 and a victim surcharge of £190. Further costs associated with the appeal in June were also imposed.

CLr Una O'Halloran, executive member for Homes and Communities, said: "Islington Council is determined to ensure that everyone in our community has a decent, safe, and genuinely affordable place to call home.

"Landlords who consistently fail to uphold their responsibilities to their tenants, will not be tolerated in Islington. People should feel safe in their own homes, and they should be provided with everything they need to have a good quality of life.

"We hope that this prosecution will send a clear message to landlords that if they fail to comply with the rules, we will take legal action."

Source: [BTL landlord ordered to pay £40,000 for breaches of property license - Property Industry Eye](#)



Landlords
support your community

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 Camden

LLAS & ATLAS Conference & Training Day Bringing you up to date with What the future holds for the PRS.

Thursday 23rd March 2023
From: 10am to 2pm
VIRTUAL -ONLINE

This event is the ideal place to get your burning property questions answered. Whether you are new to property or a seasoned professional, the LLAS/ATLAS Conference and Training Day is the event of choice for all serious property investors. So, whether you are looking to update your property skills or you are seeking inspiration, make sure you join us at the next Virtual Event

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